



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/918,902

07/31/2001

Daniel Baker

00EC055/79183

2341

24628 7590 12/09/2008

Husch Blackwell Sanders, LLP  
Husch Blackwell Sanders LLP Welsh & Katz  
120 S RIVERSIDE PLAZA  
22ND FLOOR  
CHICAGO, IL 60606

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

12/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/918,902	<b>Applicant(s)</b> BAKER ET AL.	
	<b>Examiner</b> RASHA S. AL AUBAIDI	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-25 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-25 and 27-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. In view of the Appeal Brief filed on 07/09/2008, PROSECUTION IS HEREBY REOPENED. New ground of rejection set forth below. Claims 33-60 are pending.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4 and 6-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to

Art Unit: 2614

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 1 and 13 recite “..... when said media type is exclusive ..... routing other non-exclusive customer contacts to the transaction processing entity during the current customer contact”. However, it is noted that Applicant’s specification does not have support for this claimed feature. This claimed feature appears to contradict page 8, lines 8-9 and lines 13-14 of applicant’s own specification (see “full attention ...”).

On page 7 of the appeal brief filed 7/9/08, applicant states:

*“Claims 1 and 13 recite ‘permitting no further customer contact of the exclusive media type for the duration of said current customer contact...when said media type is exclusive and, **otherwise**, routing other non-exclusive customer contacts to the transaction processing entity during the current customer contact.’ Thus, these claims recite that no additional exclusive media type contact is routed for the duration of the current exclusive media type contact **while the non-exclusive media type contacts may still be routed to the entity** [during of the current exclusive media type]. Neither Busey nor Crowther teach or suggest contact distribution which prevents further assignment of the exclusive type to a processing entity when an exclusive type has already been assigned **while still assigning non-exclusive types to the processing entity**”. [Emphasis added].*

The above is simply not supported by the specification.

Dependent claims 2-4, 6-12 and 14-20 are rejected for the same reasons addressed in independent claims 1 and 13.

***Claim Rejections - 35 USC § 112***

3. Claims 1-4 and 6-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 13 recite : permitting no further customer contact of the exclusive media type for the duration of said current customer contact ... when said media type is exclusive and, **otherwise**, routing other non-exclusive customer contacts to the transaction processing entity during the current customer contact.

While reading applicant's arguments in the appeal brief, it became clear that the use of "otherwise" in the current situation is indefinite, confusing and leaves room for different interpretations.

First interpretation is: otherwise, if the current media type is not exclusive (i.e., non-exclusive), then routing other non-exclusive customer contacts to the transaction processing entity during the current [non-exclusive] customer contact. This interpretation reads on the teachings of Crowther. That means, for example, routing new e-mails to an agent currently handling an e-mail.

Second interpretation is: otherwise, if the further customer contact is not exclusive (i.e., non-exclusive), then routing the other non-exclusive customer contacts to the transaction processing entity during the current [exclusive] customer contact. That means, for example, routing new e-mails to an agent currently handling a voice call. This interpretation is not supported by applicant's specification. This is contrary to the statements made by applicant in the specification such as page 8, lines 8-9 and lines 13-14 (see "full attention ...") .

The claim's language must be precise and clear to eliminate any possible inaccurate interpretations. When a claim has more than one event/condition, to simply recite "otherwise", as discussed above, renders the claim indefinite.

Dependent claims 2-4, 6-12 and 14-20 are rejected for the same reasons addressed for independent claims 1 and 13.

#### ***Claim Rejections - 35 USC § 103***

4. Claims 1-4, 6-25, and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Busey et al. (US PAT # 6,665,395) in view of Crowther et al. (US PAT # 6,771,765).

Regarding claim 1, Busey teaches a method for distributing customer contacts to a selected one of a plurality a transaction processing entities each capable of handling a plurality of media types in a transaction processing system (this reads on distributing

Art Unit: 2614

customers calls and questions to agents in system 10 of the call center 22, see summary of the invention, col. 4, lines 44-49, and col. 5, lines 15-25), such method comprising: determining a media type for a customer contact in the transaction processing system, the media type determined by the access channel of the customer contact (chat, e-mail, voice, ...etc in Busey); finding a transaction processing entity (agent in Busey) that is capable of handling the media type; and routing the customer contact (e.g., phone call) to a transaction processing entity (agent) that is capable of handling the media type (the claimed limitations of “determining a media type, finding a transaction processing entity that is capable of handling the media type, and routing the customer contact to a transaction processing entity that is capable of handling the media type” read all together on control 14, along with other processes and devices , which perform the function of these limitations in the call center, see col. 12, lines 26-30, col. 4, lines 65-67 and col. 8, lines 1-5. Also, for further explanations on these limitations see the summary of the invention in Busey.

Busey does not specifically teach identifying the media type as “exclusive” or “nonexclusive” and does not explicitly teach permitting no further customer **contacts** of the exclusive media type for the duration of said current customer contact.

This claimed feature is old and notoriously well known in the art. It has been well known that, for example, if an agent in an ACD is busy with a voice/telephone call, the agent would be considered busy/unavailable to handle other voice/telephone calls. This old feature is also taught by Crowther.

Art Unit: 2614

Crowther teaches in a contact call center agents are assigned priority level in each skillset so that agents can be assigned to handle customers' requests/contacts in the most effective way based on their knowledge (see col. 2, lines 48-52). Each skillset is assigned an interruptibility level which defines the importance of a skillset and whether agents assigned to a skillset may be interrupted while busy answering other calls (see col. 5, lines 10-17). The claimed "exclusive media type" reads on the highest interruptibility level (such as, voice or phone call), which cannot be interrupted (see col. 7, lines 38-46 and col. 8, lines 14-20). The claimed "non exclusive media type" reads on lower interruptibility level (such as email or fax), which can be interrupted by higher/highest interruptibility level requests such as voice call (see col. 8, lines 14-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this old and well known feature of preventing further assignment of voice calls (i.e., exclusive and high priority) to an agent who is already engaged in a voice call session, as also taught by Crowther, into the Busey system in order to provide better, faster and professional services to customers. Also, this will enhance the efficiency of the call center. Thus, an existing voice call between an agent and a customer should not be "interrupted" by another voice call from another customer. The agent would give his/her "full attention" to the customer during the voice call.



The claimed limitation: “ ..... **otherwise**, routing other non-exclusive customer contacts to the transaction processing entity during the current customer contact” has different interpretations as discussed above. When interpreted to mean that the current customer contact is non-exclusive, then routing other non-exclusive customer contacts .....(see first interpretation above), then this limitation is taught by Crowther because a non-exclusive media type contact such as e-mail may be “interrupted” by other non-exclusive media type contacts. That is, e-mails can be routed to an agent who is currently handing an e-mail

Claim 13, is rejected for the same reasons as discussed above with respect to claim 1. On one hand, Busey teaches determining a metric of how many customer contacts of the media type have been assigned to the transaction processing entity (this basically reads on “endpoint” (see col. 11, lines 15-67); and comparing the metric to a threshold relating to the maximum number of customer contacts of the media type that the transaction processing entity may handle (see col. 11, lines 53-67), and when the metric exceeds the threshold, preferentially routing customer contacts to another transaction processing entity (see col. 12, lines 1-6). On the other hand, Busey does not specifically teach preparing a transaction routing table of transaction processing entities based on media types. However, having a routing table for each agent that contains information such as for example, the media type that he/she can best handle would have been obvious and well known in the art, since this will be considered as an agent

Art Unit: 2614

profile that can be viewed by management in skill performance and promotions scenarios.

For claims 2-4, 6-12, 14-20, 23-25, and 27-33 the limitations are taught by Busey. The rejection in the previous office action is hereby incorporated by reference.

5. Claims 1-4, 6-25, and 27-33 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Busey et al. (US PAT # 6,665,395) in view of Crowther et al. (US PAT # 6,771,765) and further in view of Price (US PAT # 6,389,132).

Regarding claim 1, Busey teaches a method for distributing customer contacts to a selected one of a plurality of transaction processing entities each capable of handling a plurality of media types in a transaction processing system. See the rejection above.

Busey does not specifically teach identifying the media type as “exclusive” or “nonexclusive” and does not explicitly teach permitting no further customer **contacts** of the exclusive media type for the duration of said current customer contact. This claimed feature is old and notoriously well known in the art. It has been well known that, for example, if an agent in an ACD is busy with a voice/telephone call, the agent would be considered busy/unavailable to handle other voice/telephone calls. This old feature is also taught by Crowther.

Art Unit: 2614

Crowther teaches in a contact call center agents are assigned priority level in each skillset so agents can be assigned to handle customers' requests/contacts in the most effective way based on their knowledge (see col. 2, lines 48-52). Each skillset is assigned an interruptibility level which defines the importance of a skillset and whether agents assigned to a skillset may be interrupted while busy answering other calls (see col. 5, lines 10-17). On one hand, the claimed "exclusive media type" reads on the highest interruptibility level (such as, voice or phone call), which cannot be interrupted (see col. 7, lines 38-46 and col. 8, lines 14-20). On the other hand, the claimed "non exclusive media type" reads on lower interruptibility level (such as email or fax), which can be interrupted by higher/highest interruptibility level requests such as voice call (see col. 8, lines 14-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of preventing further assignment of voice calls (i.e., exclusive and high priority) to an agent who is already engaged in a voice call session, as taught by Crowther, into the Busey system in order to provide better, faster and professional services to customers. Also, this will enhance the efficiency of the call center. Thus, an existing voice call between an agent and a customer should not be "interrupted" by another voice call from another customer.

The claimed limitation: " ..... **otherwise**, routing other non-exclusive customer contacts to the transaction processing entity during the current [exclusive] customer

Art Unit: 2614

contact” has different interpretations as discussed above. When interpreted to mean if the further customer contacts are non-exclusive, then routing other non-exclusive customer contacts that the current customer contact is exclusive. (see second interpretation above).

This interpretation is not explicitly taught by Crowther or Busey. This limitation basically means an exclusive media type contact such as voice call may be “interrupted” by other non-exclusive media type contacts such as e-mails.

Price teaches multi tasking in a call center wherein a multi tasking agent who is handling a voice call session with a customer can still view or respond to an email or a text message (see col. 4, lines 25-45 and col. 7, lines 30-35).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature, if desired, of allowing an agent that is handling a voice call (exclusive) to receive and handle other tasks such as off-line messages and emails (non-exclusive), as taught by Price, into the combination of Busey and Crowther in order to improve the efficiency of the system by having a multi tasking agent that is capable of providing assistance to more than one customer at the same time, if the supervisor or administrator of the ACD elects to do so. A multi tasking agent can work in partial parallel mode and use time in more efficient manner. Thus, by multitasking, the agent can reduce the overall cost to the call center (i.e., saving time and money). To multi-task (e.g., to respond to e-mails while talking on the phone) or

Art Unit: 2614

not to multi-task (not to receive any further contacts of any type while on the phone) is a design choice to be made by the supervisor. The decision to elect one or the other does not rise to the level of patentability and does not require ingenuity.

Claim 13, is rejected for the same reasons as discussed above with respect to claim 1. On one hand, Busey teaches determining a metric of how many customer contacts of the media type have been assigned to the transaction processing entity (this basically reads on “endpoint” (see col. 11, lines 15-67); and comparing the metric to a threshold relating to the maximum number of customer contacts of the media type that the transaction processing entity may handle (see col. 11, lines 53-67), and when the metric exceeds the threshold, preferentially routing customer contacts to another transaction processing entity (see col. 12, lines 1-6). On the other hand, Busey does not specifically teach preparing a transaction routing table of transaction processing entities based on media types. However, having a routing table for each agent that contains information such as for example, the media type that he/she can best handle would have been obvious and well known in the art, since this will be considered as an agent profile that can be viewed by management in skill performance and promotions scenarios.

Claims 21-22 are rejected for the same reasons as discussed above with respect to claim 1. Also, for claims 22-23 limitations, Busey teaches searching a transaction processing entity that is not handling an exclusive media type (this may read on

Art Unit: 2614

availability of agent, see col. 8, lines 6-9 and/or the priority of task the agent is handling at the current time, see col. 3, lines 55-60); determining a metric of how many customer contacts of the media type have been assigned to the transaction processing entity (basically reads on “endpoint”, see col. 11, lines 15-67); and comparing the metric to a threshold relating to the maximum number of customer contacts of the media type that the transaction processing entity may handle (see col. 11, lines 53-67), and when the metric exceeds the threshold, preferentially routing customer contacts to another transaction processing entity (see col. 12, lines 1-6).

For claims 2-4, 6-12, 14-20, 23-25, and 27-33 the limitations are taught by Busey. The rejection in the previous office action is hereby incorporated by reference.

### ***Response to Arguments***

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

To further clarify the examiner's position, the prior art of record (Busey and Crowther) teaches identifying the media type and routing contacts accordingly. It also teaches considering some media types such as voice calls as exclusive that should not be “interrupted” for the well known reasons. An agent who is currently talking on the phone to a customer should not be interrupted by another phone call. This feature is old and again it simply reads on an ACD marking an agent who is on the phone as busy/unavailable and not routing any other telephone calls to the agent while he/she is

Art Unit: 2614

still busy with the phone call. All the needed teachings of how to handle the different media type contacts are provided by Busey and Crowther. Of course, one of ordinary skill in the art may decide on how to best utilize the agent and may decide to have the agent perform multi-tasking, as well known and as suggested by Price. Again, to multitask is to, for example, have an agent who is engaged in a telephone call also handle an e-mail, or to not multitask is to prevent routing any other contacts (voice, e-mail, fax ...) to an agent while the agent is engaged in a telephone call. This is simply a design choice that may be made by a supervisor who is utilizing the Crowther system.

Also, it must be noted that simply "routing" an e-mail to the agent, as recited in the claims, does not necessarily mean that the agent must "handle" the e-mail immediately while he/she is talking on the phone. Non-real time contacts such as fax or e-mail may be "routed" to a busy agent without necessarily immediately "interrupting", for example, an existing phone call.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fink et al. (PGPUB 2005/0100159) teaches in [0028] that several channels 141 have been shown with the channels of chat, email, and phone. The most time-sensitive channel is when an agent is on a phone call with a customer. The second most time-sensitive channel is a chat session, and the third most time-sensitive channel is an email channel. In terms of responsiveness, a customer typically has higher expectations

Art Unit: 2614

of customer service when they are on the phone with an agent (e.g., a voice-based communication channel can have higher priority than a text-based communication channel). Since an agent can multi-task and handle any or a combination of the three channels, the channel section 141 can display one or all of the possible channel types simultaneously. The contact address section 143, availability state section 144, contact state section 146, channel direction section 142, and time sections 145, 147 can correspondingly show one or any combination of all three of the possible channels.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S. AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Application/Control Number: 09/918,902

Page 16

Art Unit: 2614

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614

/Ahmad F Matar/

Supervisory Patent Examiner, Art Unit 2614